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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 27 June 2011 from the Secretary-General addressed to the President of the General Assembly

In accordance with paragraph 6 (h) of General Assembly resolution ES-10/17 of 15 December 2006, I have the honour to transmit herewith a progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(*Signed*) **BAN** Ki-moon

* Reissued for technical reasons on 29 July 2011.

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Annex

Letter dated 10 June 2011 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to provide a progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of resolution ES-10/17.

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (the Register of Damage) provides this progress report, in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17, covering the period from 19 June 2010 to 10 June 2011. The Board's previous report was contained in document A/ES-10/498 of 19 July 2010.

2. During the reporting period, the Register of Damage continued to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing Registration of Claims adopted in June 2009 (see www.unrod.org/docs/UNRoD Rules and Regulations.pdf).

3. A community outreach campaign was completed in 87 communities in the governorates of Jenin, Tubas, Tulkarem and Qalqiliya in the Occupied Palestinian Territory, as well as in some communities around East Jerusalem. Hundreds of printed posters and thousands of leaflets were distributed to inform more than 260,000 affected Palestinians of the requirements for completing a claim for registration of damage. In addition, over 200 meetings were held by Register of Damage claim intakers with mayors, local councils and potential claimants in the areas covered by the outreach campaign.

4. By 10 June 2011, a total of 18,007 claim forms for registration of damage and over 170,000 supporting documents had been collected in 76 Palestinian communities and delivered to the Office of the Register of Damage in Vienna. Claim intake activities have been completed in Tubas and Jenin governorates and have almost been completed in Tulkarem governorate. The work is at an advanced stage in Qalqiliya governorate, including its urban areas.

5. As of 10 June 2011, the Board has reviewed 3,255 claim forms, decided to include most or all of the losses set out in 2,977 claim forms, excluded 272 claim forms where none of the losses met the eligibility criteria and decided to defer action on 6 claim forms pending further review. While the pace of processing claim forms by the secretariat of the Register of Damage and their review by the Board has increased, the collection of claim forms has increased at a significantly faster rate.

6. Since its previous report, the Board has held four meetings in Vienna to review claim forms that had been translated, processed and reviewed by the Office staff. The Board met from 13 to 17 September 2010, from 13 to 17 December 2010, from 14 to 18 March 2011 and from 6 to 10 June 2011. At the four meetings, respectively, the Board reviewed and decided to include in the Register most or all of the losses set out in 301 claim forms, 323 claim forms, 400 claim forms and 402 claim forms. At its December and March meetings, respectively, the Board decided not to include in the Register 109 claim forms and 161 claim forms, since none of the losses in the forms met the eligibility criteria in the Register of Damage's Rules and Regulations. At its March and June meetings, the Board also decided to defer action on a total of four claim forms pending further review.

7. All claims reviewed during the reporting period were filed by individuals. The forms included 1,554 claims for category A (agriculture) losses, 177 claims for category B (commercial) losses and 16 claims for category C (residential) losses.

8. Some of the issues addressed and the decisions reached by the Board during the reporting period are set out below.

General issues

(a) The Board continued its exploration of difficult issues regarding local rules, practice and documentation relating to the ownership and inheritance of land in the Occupied Palestinian Territory, in order to determine whether the claimant had a prima facie legal interest in land, and to determine the claimant's share. Complex fractional calculations are often necessary in cases where there are multiple owners, in order to record a claimant's specific share of the losses to be included in the Register.

(b) The Board decided that some form of corroboration is necessary for losses to be included in the Register under the eligibility criteria set out in the Register of Damage's Rules and Regulations. Such corroboration might include supporting documentation provided by claimants, for example tax records, contracts, certificates of legacy, pay slips, bank statements or cancelled cheques.

(c) In addition, the Board decided not to include losses where they were duplicative of losses already included by the claimants in other parts of their claims.

Category A (agricultural) claims

(d) The Board decided not to include in the Register claims for losses pertaining to land requisitioned between 1967 and the 1990s, prior to the construction of the Wall. Since those claimants either had no access to the land or, where they had restricted access, could not use the land from the time it was requisitioned, the Board decided that no material loss had been sustained as a result of the construction of the Wall and that any losses that were sustained had occurred prior to the construction of the Wall.

(e) The Board decided not to include in the Register losses relating to reduced agricultural output due to the prohibition on the import of fertilizers from Israel into the Occupied Palestinian Territory. The Board noted that Israeli restrictions in this regard existed prior to the construction of the Wall and decided that such restrictions are not attributable to the Wall.

Category B (commercial) claims

(f) The Board decided not to include in the Register commercial claims for losses pertaining to events that had occurred prior to the construction of the Wall.

(g) The Board decided that commercial losses resulting from the reduction of customers from Israel who could no longer visit businesses in the Occupied Palestinian Territory could be caused by the construction of the Wall and included in the Register.

(h) The Board decided that losses based on asserted monopoly pricing imposed by wholesale traders from Israel with access to the Occupied Palestinian

Territory are not normally attributable to the Wall and should not normally be included in the Register.

Category C (residential) claims

(i) The Board decided that losses relating to land that was intended for the construction of houses, when claimed under other categories of losses, should be recategorized and reviewed as category C (residential) claims.

Category D (employment) claims

(j) The Board continued its consideration of the issues surrounding category D (employment) claims. The Office of the Register of Damage is in the process of gathering additional information on employment issues within the Occupied Palestinian Territory, and the Board will continue to review the category D claims submitted by claimants from different locations.

9. In view of the number of claims presented to the Board at each of its meetings, in accordance with article 12 of its Rules and Regulations, the Board continued to employ sampling in conducting its review. In addition, the Board considered claims grouped together at the intake, processing and review stages on the basis that they had been submitted by members of the same families and the losses claimed were essentially similar. This approach significantly expedited the review process and the work of the Register of Damage.

10. As before, the Board expresses its appreciation for the indispensable cooperation extended by the Palestinian Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local mayors and members of village councils on many practical aspects, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the Wall should be addressed through the existing Israeli mechanism. On the practical level, the Register of Damage maintains constructive contacts with relevant Israeli authorities and, during the reporting period, it did not experience any problems with access, freedom of movements, security, delivery of needed materials or issuance of required visas. In addition, on some occasions during the general closures in the West Bank, Israel Defense Forces facilitated the travel of Register of Damage teams through alternative entry and exit points to access Palestinian municipalities in the West Bank.

11. The Board of the Register of Damage noted with satisfaction the cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called upon in paragraph 14 of General Assembly resolution ES-10/17. The Board particularly appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistic, procurement, human and financial resources, and management in support of the Register of Damage. During the reporting period, the Register of Damage benefited from cooperation with the United Nations Special Coordinator for the Middle East Peace Process and his Office, as well as from the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which effectively contributed to outreach activities in communities in Tulkarem and Qalqiliya governorates.

12. The outreach and claim-intake activities in the Occupied Palestinian Territory, which are currently conducted by 12 Register of Damage claims intakers, have been funded by contributions from the Governments of Austria, Belgium, Finland, France, Jordan, Malaysia, Morocco, the Philippines, Turkey, Saudi Arabia, Switzerland and the Organization of Petroleum Exporting Countries Fund for International Development. The Board expresses its appreciation to these donors for providing funding and political support enabling the implementation of the provisions of General Assembly resolution ES-10/17.

13. The Board commends the diligent and dedicated work of the secretariat, which faces an increasing workload.

14. The Board of the Register of Damage will continue to provide periodic reports.

Members of the Board of the Register of Damage

Vienna, 10 June 2011